

**ZONING BOARD OF APPEALS
CITY OF BARABOO**

Date: Thursday, May 20, 2021, 11:00 A.M.
Location: Council Chambers, Baraboo Municipal Building – 101 South Blvd, Baraboo, Wisconsin
Members Noticed: B. Madalon, M. Muter, D. Kehoe, P. Liston, B. Boyd, A. Burton

Others Noticed: Mayor Nelson, Administrator Bradley, City Engineer Pinion, Building Inspector Krautkramer, Atty. Bobholz, Chris & Haesun Roberts, Tabitha & Michael Fosco

1. Call to Order

- a. Note compliance with the Open Meeting Law.
- b. Approve agenda.

2. Public Hearings

- a. Appeal of **Michael Fosco Jr. and Tabitha Fosco** to grant a variance from the required placement of a private swimming pool in the side yard or rear yard in an R-1A Single-Family Residential zoning district pursuant to §17.20A(6)(b) of the Zoning Code and a variance from the required 10-foot setback for the waterline of a pool from a building and lot line pursuant to §14.13(3)(a) of the Building Code to allow the placement of a private swimming pool, with a waterline within 10 feet from both the principal structure and front property line, in the front yard of their single-family residential dwelling located at 602 Lake Street, Baraboo, WI.
- b. Appeal of **Chris and Haesun Roberts** to grant a variance from the required setbacks for an accessory structure in an R-1A Single-Family Residential zoning district pursuant to §17.20A(6)(b) of the Zoning Code to allow the replacement of an existing non-conforming accessory structure with a 5-foot setback from the rear property line, a 3-foot setback from the side lot line, and a distance of 1.5 feet separating the accessory structure from the principal structure in the side yard of their single-family residential dwelling located at 503 3rd Street, Baraboo, WI.

3. New Business

- a. Appeal of **Michael Fosco Jr. and Tabitha Fosco** to grant a variance from the required placement of a private swimming pool in the side yard or rear yard in an R-1A Single-Family Residential zoning district pursuant to §17.20A(6)(b) of the Zoning Code and a variance from the required 10-foot setback for the waterline of a pool from a building and lot line pursuant to §14.13(3)(a) of the Building Code to allow the placement of a private swimming pool, with a waterline within 10 feet from both the principal structure and front property line, in the front yard of their single-family residential dwelling located at 602 Lake Street, Baraboo, WI.
- b. Appeal of **Chris and Haesun Roberts** to grant a variance from the required setbacks for an accessory structure in an R-1A Single-Family Residential zoning district pursuant to §17.20A(6)(b) of the Zoning Code to allow the replacement of an existing non-conforming accessory structure with a 5-foot setback from the rear property line, a 3-foot setback from the side lot line, and a distance of 1.5 feet separating the accessory structure from the principal structure in the side yard of their single-family residential dwelling located at 503 3rd Street, Baraboo, WI.

4. Adjournment

Agenda prepared by Kris Denzer, 355-7309
Agenda Posted by Kris Denzer on May 7, 2021

PLEASE TAKE NOTICE, any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format, should contact the Municipal Clerk, 101 South Blvd., or phone 355-2700, during regular business hours at least 48 hours before the meeting so that reasonable arrangements can be made to accommodate each request.

FOR INFORMATION ONLY, NOT A NOTICE TO PUBLISH

MEMORANDUM

City of Baraboo

Date: May 7, 2021
To: Zoning Board of Appeals.
From: Tom Pinion
Re: Background for the May 20th Meeting

I will be out of town on the 20th so I will be unable to attend the meeting. Hence the reason for this Memo.

NEW BUSINESS:

Item A. The reason for this request is that the City's Zoning Code only allows private swimming pools in the side or rear yard of a residential lot. This property is located on a corner lot so it technically has two street yards – one along Lake Street and the other along S Center Street. The lot (50' x 102') was originally platted in 1874 and the house was reportedly built in 1901. According to the current Zoning Code, this lot is considered substandard in size and the house and detached garage are considered legal non-conforming structures since they fail to comply with current setback requirements. Section 14.13(3)(a) of the Building Code requires the waterline of any pool to be at least 10 feet from any building or lot line. Accordingly, the space needed to comply with this requirement is 20 feet plus the size (width or diameter) of the pool and the substandard size of this lot prevents compliance with the requirement.

Item B. This 66' x 66' parcel consists of the southern half of a lot that was originally platted in 1849. The house was reportedly built in 1915. According to the current Zoning Code, this lot is considered substandard in size and the house and detached garage are considered legal non-conforming structures since they fail to comply with current setback requirements. This request comes as a result of the applicants desire to replace an existing metal accessory structure that is certainly in need of repair. Although State Statutes afford property owners the right to replace a non-conforming structure that is destroyed by fire or natural calamity provided it is the same size, in the same location, and maintains the same use, that right unfortunately does not extend to voluntary replacement of such a structure.

| For Office Use: | Date | | Date |
|-----------------------------------------------------------|-------|---------------------------------------------------|-------|
| <input type="checkbox"/> Application given by _____ | _____ | <input type="checkbox"/> Referred to Council | _____ |
| <input type="checkbox"/> Received by Bldg. Inspector | _____ | <input type="checkbox"/> Public Hearing Set | _____ |
| <input type="checkbox"/> Fee received by Treasurer | _____ | <input type="checkbox"/> Date Notices Mailed | _____ |
| <input type="checkbox"/> Building Inspector Certification | _____ | <input type="checkbox"/> Public Hearing Published | _____ |
| <input type="checkbox"/> Filed with City Clerk | _____ | <input type="checkbox"/> Public Hearing Held | _____ |
| <input type="checkbox"/> Referred for Staff Review | _____ | <input type="checkbox"/> Bd of Appeals Action | _____ |

City of Baraboo
 101 South Blvd.
 Baraboo, WI 53913
 (608) 355-2730 phone #
 (608) 355-2719

FOR TREASURER USE

Receipt # _____
 Account # 100-22-4440

Application for Variance

(A non-refundable \$250 fee must accompany this application upon filing.)

Date of Application: 3-11-21

Applicant or Agent: Tabitha Fosco / Michael Fosco JR

Address: 602 Lake Street Baraboo WI 53913 Phone: 608-434-7747

Owner of Property: Michael Fosco JR

Address: 602 Lake Street Baraboo WI 53913

Legal Description of Property (as it appears on property deed, attach copy of deed): 602 Lake St

Sec 1, T11N, R6E City of Baraboo Langdon Sub-Div.

BLK 1 lot 10 of Sub-Div of lots 1, 2 & 3, BLK 1

Tax Parcel #: 206-2451-0000 Lot size: 0.1000 Acres Site 5115 SF

Present Use: private single family home. Zoning District: 206-city of Baraboo Residential

Present improvements on land: none - willing to construct 6ft fence.

Proposed Use: above ground swimming pool for Autism therapy

Terms of Ordinance:

14.13 portable pool more
than 1 foot deep and locations
to lot lines and buildings.

Variance Requested:

to allow pool to be placed
on patio between garage
and house with fence near
rear lot line.

Specify Reason for Petition:

my Autistic son uses the pool
for therapy. He is not able to go to the outdoor
pool due to sensory issues. We have had the pool
in our front yard for 4 years. we are willing to put
the pool on our patio and fence it in. It will
be covered as well as a locked gate.

ATTACH THE FOLLOWING TO THIS APPLICATION:

1. Adjoining owners; all names and addresses of all abutting and opposite property owners within 200 feet.
2. Plot Plan - show the area involved, its location, dimensions, and locations of adjacent structures within 200 feet of the area.

Date: 3-15-2021Signed: Sabrina Foster

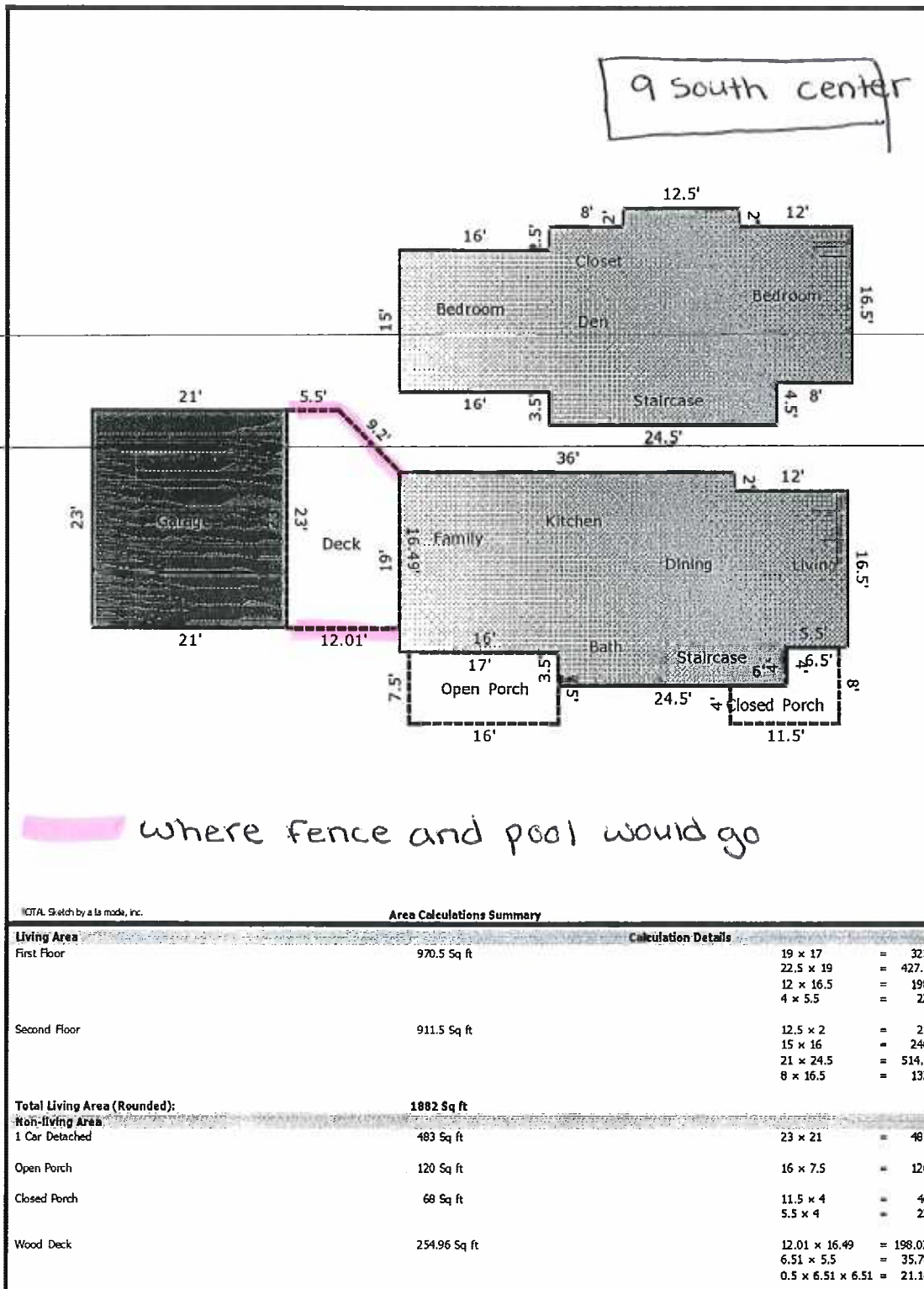
I have reviewed the application for completeness.

Date: _____

Zoning Administrator: _____

Building Sketch (Page - 1)

| | | | | | | |
|------------------|----------------------------------|--------|------|-------|----|----------------|
| Borrower | MICHAEL FOSCO | | | | | |
| Property Address | 602 Lake St | | | | | |
| City | Baraboo | County | Sauk | State | WI | Zip Code 53913 |
| Lender/Client | Wells Fargo Bank, N.A. - 0036927 | | | | | |



For Office Use:

Date

Date

- ☐ Application given by _____
☐ Received by Bldg. Inspector _____
☐ Fee received by Treasurer _____
☐ Building Inspector Certification _____
☐ Filed with City Clerk _____
☐ Referred for Staff Review _____

- ☐ Referred to Council _____
☐ Public Hearing Set _____
☐ Date Notices Mailed _____
☐ Public Hearing Published _____
☐ Public Hearing Held _____
☐ Bd of Appeals Action _____

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FOR TREASURER USE

Receipt # _____

Account # 100-22-4440

Application for Variance

(A non-refundable \$250 fee must accompany this application upon filing.)

Date of Application: 3/22/2021

Applicant or Agent: CHRIS AND NAESUN ROBERTS

Address: 503 3RD ST. BARABOO Phone: 608 400-5057
608 354-9565

Owner of Property: CHRIS AND NAESUN ROBERTS

Address: 503 3RD ST. BARABOO, WI 53913

Legal Description of Property (as it appears on property deed, attach copy of deed): _____

THE SOUTH ONE-HALF OF LOT 7, BLOCK 19, PECK'S
ADDITION TO CITY OF BARABOO

Tax Parcel #: 206 2832 Lot size: 66 X 66

Present Use: PRIMARY RESIDENCE Zoning District: _____

Present improvements on land: DECK/FENCE

Proposed Use: REPLACE EXISTING SHED/GARAGE

Terms of Ordinance:

Variance Requested:

Specify Reason for Petition:

ATTACH THE FOLLOWING TO THIS APPLICATION:

1. Adjoining owners; all names and addresses of all abutting and opposite property owners within 200 feet.
2. Plot Plan - show the area involved, its location, dimensions, and locations of adjacent structures within 200 feet of the area.

Date: _____ **Signed:** _____

I have reviewed the application for completeness.

Date: _____ **Zoning Administrator:** _____

This document is intended to provide additional information concerning our application for a variance in regards to replacing an existing shed/garage on our property.

The house (south half of Lot Seven, Block 19, Peck's Addition) was built in 1914. Until sometime in the 1940's, the lot extended to the alley between 3rd and 4th Streets. At some point in the 1940's, the homeowner (presumably with the city's blessing) sold his/her back yard and a house was constructed at 512 Barker St. This created three issues: The owner had to move the shed/garage out of the back yard to its current location, a driveway needed to be constructed on 3rd St to access the shed/garage, the rear dimension of the lot was now less than 6 feet from the house and the shed was now about 4 feet from the side neighbors lot line. To this day, this house is the only structure on our block with a street side driveway.

The shed/garage itself, while still functional, was built by the Trachte Company in Sun Prairie, WI and is at least 85 years old but likely older. Its structure is rusting, it suffered a large dent from a neighbors tree limb, the concrete slab is heaving/cracked, and it is not secure. In the winter when snow melts it leaks in under the side walls and then freezes creating a hazard. The driveway itself is badly heaving and cracked and needs to be replaced.

We purchased the house in 1996, knowing that it was in need of upgrades and repairs. It had the original single pane windows, ancient plumbing, knob and tube wiring with a 60 amp fuse box but it still made a wonderful home to raise our two boys.

Over the years we remodeled the kitchen and bathroom, added 200 amp service/re-wired the entire house, replaced the plumbing, added central air and most recently replaced 19 windows. It was always in the back of our minds that the driveway and shed/garage needed to be addressed. Needless to say we were very surprised to discover that according to the city the shed/garage has been in violation of codes for over 70 years.

It seems now that the realtors, previous owner, or The City of Baraboo had an obligation to make this known to us as potential buyers. Coming from our previous house with a large 2 car garage, we would have likely kept looking for a different house

Allowing us replace it with a secure, safe, and modern structure would not only improve the neighborhood but also our home's value. There are two homes within a 100 yards (400 block of 3rd St) that unlike ours, ARE historic and have listed in the \$400K price range. I am sure that they and all of our direct neighbors would love to see our eyesore shed/garage gone and replaced.

Here are some pictures of the shed/garage, damaged shed and concrete, and back yard:





The Shed/garage currently sits about 5.5 feet from the rear lot line, 4 feet from the side lot line. House roof overhang to shed/garage overhang is approx.. 18". Shed garage dimensions are 11'6" wide (roof edge to roof edge) by 8' high by 20'deep.

I have long lost the hope that I could have a small single car garage but really need a decent sized structure for my snow blower/lawn mower, tools, bicycles and trash bins along with a new driveway and slab.

Please take into consideration how much this will improve the neighborhood (especially our next door neighbor who has to look at the shed every day through her kitchen windows) and our living experience in our home.

Thank you, Chris and Haesun Roberts

608-354-9565

~~haesunro~~

haesunroberts@charter.
net



← our
neighbor's
porch
looking at
our garbage
bins +
recycle bins

Summer time
Smells.

My husband's
job-related
job parts
delivered to
our house
every day.
Many cardboard
over loaded
for eyesore to
our next neighbor.
Unfortunately,